

**REMARKS**

The Examiner rejected Claims 23 and 25-30 under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. The Examiner also rejected Claims 23 and 25-30 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner rejected Claims 23 and 25-30 under 35 U.S.C. § 102(b) as being by U.S. Patent No. 6,145,352 to Vickers et al. ("Vickers"). In addition the Examiner rejected Claims 25 and 27-28 under 35 U.S.C. § 103(a) as being unpatentable over Vickers in view U.S. Patent No. 5,251,467 to Anderson ("Anderson").

Independent claims 23 and 26 stand currently amended. Claim 25 stands currently amended to correct minor issues of form. Claims 1-21 stand previously cancelled.

Claims 23-42 are now pending. Claims 22, 24 and 31-42 are currently withdrawn. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current Claims 23 and 25-30. An early Notice of Allowance is therefore requested.

**I. SUMMARY OF RELEVANT LAW**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the

burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

## II. AMENDMENTS OF CLAIMS 23 AND 26

As an initial matter, Claims 23 and 26 have all been amended to clarify that the holding elements comprise at least two inclined surfaces. These amendments are supported by at least FIG 1C and paragraphs [0117] and [0122] of the current Application, which state:

*[0117] In the area of each opening 12 and 14, the fitting, in this instance a swivel lever latch, comprises a head part, in the present instance a trough 24, that receives the swivel lever 22. This head part is to be arranged on one, outer side 18 of the thin wall 16 and overlaps the outer rim 20 of the opening 12 and 14, respectively. A body part 26 which projects through the opening 12 and 14, respectively, in the mounted position proceeds from this head part or trough 24. As is shown in FIG. 1C, tongue elements or holding elements 36 which are flexible in direction of the outer surface 34 project from this body part 26, their free ends having an inclined surface 38 for supporting the body part 26, 28 on the rim or edge 40 of the opening 12 and 14, respectively, of the other, inner side 42 of the thin wall 16 without play.*

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*[0122] By means of the snap devices, it is possible to mount the lever latch in the thin wall simply by pressing it into two suitably shaped rectangular openings in that edges of the two openings 14, 12 lying in direction of the trough axis 62 press the contacting inclined surfaces of the holding elements 36, 136, 236 inward against the force of the springs 44, 144, 244 when pushing in and allow them to spring back when the inclined surface 38 is reached, thereby securing the trough in the door leaf.* (emphasis added).

Thus the current Application fully supports the amendments to Claims 23, and 26.

## III. OBJECTIONS TO THE DRAWINGS

On page 2 of the current Office Action, the Examiner objects to Figs. 10B, 11, 21-23B, 36-37, as well as other figures without reference figures. Applicant has herewith submitted

Replacement Sheet in Appendix A, which correct the errors. Accordingly, Applicant respectfully asserts that the drawings are now in acceptable form.

#### **IV. REJECTION OF CLAIMS 23 AND 25-30 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH**

On pages 4 and 5 of the current Office Action, the Examiner rejects Claims 23, and 25-30 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. These rejections are respectfully traversed and believed overcome in view of the following discussion.

##### **Claims 23, 26, 29, and 30**

Regarding Claims 23 and 26, the Examiner asserts that it is “unclear how the slides are within the cylinder” and “it is unclear how the slides of the elected species have a locking pin arrangement between slides including a screw or how such a screw controls the holding elements as claimed.” Regarding claims 29 and 30, the Examiner asserts that “the dividing wall, under or opening edge of the cylinder is not disclosed or clearly illustrated in the figures to clearly understand the scope of claims 29-30.

Applicants respectfully refer to Fig. 31a and 31b and 31c showing a cylinder 326 wherein two slides 1136 are displaceable against the pressure of spring 344 whereby the movement is limited by screws 27 and elongated hole 29, being the locking pin arrangement between the slides for this embodiment.

Further, Fig. 1c shows a cylinder 28 formed by the body part 26 wherein two slides 36, 136 are slidably arranged (whereby the slides are shown outside of the channel before mounting same and inside the channel after mounting). The locking element is here depicted by reference numeral 46 and may take the form of pin 92 shown in Fig 6 and 8b cooperating with an offset 90 to be seen in Fig. 8b and 5b and 5C formed in the tail area of slide 336.

Another embodiment of the slide is shown in Fig. 19a and 19b whereby two of them are placed inside cylinder 528 of Fig. 18a, 18b, and see Fig. 15a, the hooks of the slides

536 resting at edges of an opening 96 in the back wall of cylinder 528 to be in the locking position, or in case of Fig. 21, 22 in the side walls of the cylinder. Fig 21 shows the slides in the extended position and Fig 22 in the pressed inside position, the slides 636 being displaceable between those two positions.

The hook may be placed in such a way that it cooperates in similar manner with a dividing wall inside of the channel or with an undercut formed by the inside of the top wall or of the side walls of the cylinder.

Applicants respectfully submit that in view of the specification and the aforementioned sections, one skilled in the art would clearly understand the scope and meaning of claim to make and use the claimed invention.

#### **V. REJECTION OF CLAIMS 23 AND 25-30 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

On pages 5 and 6 of the current Office Action, the Examiner rejects Claims 23, and 25-30 under 35 U.S.C. § 112, second paragraph, as being indefinite. These rejections are respectfully traversed and believed overcome in view of the following discussion.

##### **A. Claims 23 and 26**

The Examiner asserts the phrase "such as" in renders Claims 23 and 26 indefinite. The Examiner also asserts the Claims 23 and 26 are indefinite because the phrase "the outer rim of the opening" lacks antecedent basis. In addition the Examiner asserts that the term "its" recited in Claims 23 and 26 should be avoided. Applicants respectfully submit that amendments to Claims 23 and 26 obviate these rejections. Applicants amendment removes the "such as" phrase and provides sufficient antecedent basis for the "outer rim". Therefore, Applicant respectfully requests the Examiner withdraw any rejection of Claims 23 and 26 under 35 U.S.C. § 112, second paragraph, as being indefinite.

B. Claim 25

The Examiner asserts that Claim 25 is indefinite because it is unclear how the holding elements are flexible but then made of rigid materials as recited in claim 25. Applicants submit that the amendment to Claim 23 obviates this rejection by making it clear that the holding elements are “resilient”, and thus Claim 25 is consistent with Claim 23. Therefore, Applicant respectfully requests the Examiner withdraw any rejection of the Claims under 35 U.S.C. § 112, second paragraph, as being indefinite.

**VI. REJECTION OF CLAIMS 23 AND 25-30 UNDER 35 U.S.C. §102(B) BASED ON VICKERS**

On page 6 of the current Office Action, the Examiner rejects Claims 23 and 25-30 under 35 U.S.C. § 102(b) as being anticipated over Vickers. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Vickers fails to teach or suggest all of the features of Claims 23. Vickers does not disclose:

*holding elements which project from the body part and are flexible resilient in direction of its the body part's outer surface against spring force, the a free end of these holding elements being provided with an first inclined surface for supporting the body part without play on the rim or edge of the opening of the other, inner side of the thin wall, the free end also including a second inclined surface for slam action;*

Vickers, by contrast, merely discloses a holding element that has a surface being inclined for displacing the holding element to allow same to pass the rim of the opening. In the case of play developing between the inclined surface and the rim, such play is not automatically absorbed. Rather, the inclined surface of Vickers *only* works for slam action

However Claim 23, as amended, recites a second inclined surface for a slam action in addition to a first inclined surface 38. (See Figure 1c.) The support for this amendment is found in the original disclosure at least at Fig. 31b. Vickers simply does not disclose the first inclined surface 38 for supporting the body part.

In addition, Vickers also differs from the claimed invention because the surface of Vickers' holding element 110 and 150 for supporting the body part is not inclined after mounting but parallel to the thin wall 250.

Accordingly, for all the reasons above, Applicant respectfully asserts that Examiner has failed to establish a prima facie case of anticipation of independent Claim 23 and likewise independent Claim 26, and corresponding Claims 25 and 27-30 because they are all ultimately dependant from either independent Claim 23 or 26. Therefore, Applicant respectfully requests that Examiner remove the rejection of Claims 23 and 25-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,145,352 to Vickers et al.

#### **VII. REJECTION OF CLAIMS 25 AND 27-28 UNDER 35 U.S.C. §103(A) BASED ON VICKERS IN VIEW OF ANDERSON**

On page 7 of the current Office Action, the Examiner rejects Claims 25 and 27-28 under 35 U.S.C. § 103(a) as being unpatentable over Vickers in view of Anderson. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Claims 25 and 27-28 each ultimately dependent from either independent Claim 23 or 26. As Applicants submit that Claims 23 and 26 are allowable, so must be Claims 25 and 27-28. Therefore, we propose respectfully requesting that Examiner remove the rejections of Claims 25 and 27-28 under 35 U.S.C. § 103(a) as being unpatentable over Vickers in view of Anderson

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

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